UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,206	12/03/2001	Ibrahim Cem Duruoz	020699-001710US	5564

37490 7590 02/26/2007		EXAMINER
Trellis Intellectual Property Law Group, PC 1900 EMBARCADERO ROAD SUITE 109 PALO ALTO, CA 94303		NGUYEN, HUY THANH

	ART UNIT	PAPER NUMBER
	2621	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>20 November 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-13</u> is/are pending in the application.

    4a) Of the above claim(s) <u>11-13</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-10</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>03 November 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1.   Applicant's election without traverse of claims 1-10 in the reply filed on 20

November 2006 is acknowledged. Claims 11-13 are withdrawn from further

consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention.

.Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 1-4 is rejected under 35 U.S.C. 102(e) as being Mo et al (6,052,588).

Regarding claim 1. Mo discloses a system (Figs. 1 and 2)for plurality of file

system processes within an audio/video file system, comprising: a process status

monitor for maintaining respective status information pertaining to said plurality of file

system processes; and a plurality of local process objects, each local process object

having a plurality of variables stored at a dedicated location; wherein each local process

object corresponds to a file system process; wherein said plurality of file system

processes are executed in accordance with their corresponding status information; and

wherein upon execution of each of said plurality of file system processes, said plurality

of variables from the corresponding local process object is retrieved from said dedicated

location (column 4, lines 1-8 ,column 5).

Regarding claim 2, Mo further teaches the system according to claim 1 further

comprising: a pointers control for maintaining a plurality of pointers; wherein said

plurality of pointers respectively point to said plurality of local process objects thereby

allowing said plurality of variables of each of said plurality of local process objects to be

retrieved (Fig. 1, column 5, lines 50-60) .

Regarding claim 3, MO further teaches the system according to claim 1 further a

process size indicator for maintaining size information (frame) for said plurality of file

system processes (column 3, lines 30-60).

Regarding claim 4 , Mo further teaches that . The system according to claim 1,

wherein said process status monitor is implemented using a bit string.

4.   Claims 1 –4 are rejected under 35 U.S.C. 102(e) as being anticipated by Adolph

et al (6,370,323).

Regarding claims 1, Adolph discloses a system (Figs. 6-7) for plurality of file

system processes within an audio/video file system, comprising: a process status

monitor for maintaining respective status information pertaining to said plurality of file

system processes; and a plurality of local process objects, each local process object

having a plurality of variables stored at a dedicated location; wherein each local process

object corresponds to a file system process; wherein said plurality of file system

processes are executed in accordance with their corresponding status information; and

wherein upon execution of each of said plurality of file system processes, said plurality

of variables from the corresponding local process object is retrieved from said dedicated

location (column 2 line 18 to column 3, line 18, column 3, line 55 to column 4 line 13).

Regarding claim 2, Adolph further teaches the system according to claim 1

further comprising: a pointers control for maintaining a plurality of pointers; wherein said

plurality of pointers respectively point to said plurality of local process objects thereby

allowing said plurality of variables of each of said plurality of local process objects to be

retrieved (Figs 4,6 column 7, lines 20-25, column 14).

Regarding claim 3, Adolph further teaches the system according to claim 1

further a process size indicator for maintaining size information for said plurality of file

system processes (columns 19-20).

Regarding claim 4 , Mo further teaches that . The system according to claim 1,

wherein said process status monitor is implemented using a bit string (Fig. 6).

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6.   Claims 5-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mo (6,052,588) in view of Daum et al (6,104,876).

Regarding claim 5, Mo discloses a system for managing a plurality of file system processes, comprising: a process status monitor for maintaining respective status information pertaining to said plurality of file system processes; and a plurality of local process objects, each local process object further comprising: a progress monitor;; and a set of application specific process properties; wherein each local process object corresponds to a file system process (Figs. 1-2, column 5).

Mo fails to teaches using a callback function . However, it is noted that using software data having predetermined information for generating a callback function is well known in the art as taught by Daum (column 2, lines 40-52, column 7, lines 35-50, Fig. 3). Therefore , it would have been obvious to one of ordinary skill in the art to modify MO by providing the apparatus of Mo with software data having

predetermined information for generating callback function thereby enhancing the

capacity of the apparatus of Mo in controlling the processes of the apparatus .

Regarding claim 6, Mo teaches the system according to claim 5, wherein said

progress monitor is used to maintain state information for said file system process.

Regarding claim 7 Mo fails to specifically teaches using the state information

that includes an inactive state, a first-call state, a going-on state, and a last-call state.

However, it is storing software program having predetermined information for

generating the state information is well known in the art . Therefore, official notice is

taken and it would have been obvious to one of ordinary skill in the art to modify MO

by providing the apparatus of Mo with a software program for generating state

information thereby enhancing the apparatus of Mo in controlling the processes .

Regarding claim 8, Mo teaches a phase monitor (column 5) for maintaining

phase information for file system process.

Regarding claim 9, Mo teaches a process control manager for managing a

plurality of file system processes within an audio/video file system, comprising: a global

process module having: a process status monitor for maintaining respective status

information relating to said plurality of file system processes; a plurality of local process

objects, each local process object having a progress monitor, and a set of application

specific process properties, a pointers control for maintaining a plurality of pointers,

each pointer pointing to one of said plurality of local process objects; and a process size

indicator for maintaining size information for said plurality of file system processes (Figs

1-2, column 5).

Mo fails to teaches using a callback function . However, it is noted that using

software data having predetermined information for generating a callback function is

well known in the art as taught by Daum (column 2, lines 40-52, column 7, lines 35-

50, Fig. 3). Therefore , it would have been obvious to one of ordinary skill in the art to

modify MO by providing the apparatus of Mo with software data having

predetermined information for generating callback function thereby enhancing the

capacity of the apparatus of Mo in controlling the processes of the apparatus .

Regarding claim 6, Mo teaches the system according to claim 5, wherein said progress

monitor is used to maintain state information for said file system process.

Regarding claim 10, MO teaches the process control manager according to

claim 9, wherein each local process object further includes a plurality of variables stored

at a dedicated location; wherein each local process object corresponds to a file system

process; and wherein upon execution of said file system process, said plurality of

variables from said corresponding local process object is retrieved from said dedicated

location (column 5, lines 10-25).

Claims 5-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Adolph

et al (6,370,323) in view of Daum et al (6,104,876)

Regarding claims 5, Adolph discloses a system (Figs. 6-7) for plurality of file

system processes within an audio/video file system, comprising: a process status

monitor for maintaining respective status information pertaining to said plurality of file

system processes; and a plurality of local process objects, each local process object

having a plurality of variables stored at a dedicated location; wherein each local process

object corresponds to a file system process; wherein said plurality of file system

processes are executed in accordance with their corresponding status information; and

wherein upon execution of each of said plurality of file system processes, said plurality

of variables from the corresponding local process object is retrieved from said dedicated

location (column 2 line 18 to column 3, line 18, column 3, line 55 to column 4 line 13).

Adolph fails to teach using a callback function . However, it is noted that using

software data having predetermined information for generating a callback function is

well known in the art as taught by Daum (column 2, lines 40-52, column 7, lines 35-

50, Fig. 3). Therefore , it would have been obvious to one of ordinary skill in the art to

modify Adolph by providing the apparatus of Mo with software data having

predetermined information for generating callback function thereby enhancing the

capacity of the apparatus of Adolph in controlling the processes of the apparatus .

Regarding claim 6, Adolph teaches the system according to claim 5, wherein said

progress monitor is used to maintain state information for said file system process

(column 14).

Regarding claim 7, Adolph fails to specifically teaches using the state

information that includes an inactive state, a first-call state, a going-on state, and a last-

call state. However, it is storing software program having predetermined information

for generating the state information is well known in the art . Therefore, official notice is

taken and it would have been obvious to one of ordinary skill in the art to modify

Adolph by providing the apparatus of Mo with a software program for generating   state

information   thereby enhancing the   apparatus of Adolph in controlling the processes.

Regarding claim 8, Adolph teaches a phase monitor (Figs. 7-9) for maintaining

phase information for file system process (column 14).

Regarding claim 9, Adolph discloses a system (Figs.1, 6-9) for plurality of file

system processes within an audio/video file system, comprising: a process status

monitor for maintaining respective status information pertaining to said plurality of file

system processes; and a plurality of local process objects, each local process object

having a plurality of variables stored at a dedicated location; wherein each local process

object corresponds to a file system process; wherein said plurality of file system

processes are executed in accordance with their corresponding status information; and

wherein upon execution of each of said plurality of file system processes, said plurality

of variables from the corresponding local process object is retrieved from said dedicated

location (column 2 line 18 to column 3, line 18, column 3, line 55 to column 4 line 13).

Adolph fails to teach using a callback function . However, it is noted that   using

software data having predetermined information for generating a callback function is

well known in the art as taught by Daum (column 2, lines 40-52, column 7, lines 35-

50, Fig. 3). Therefore , it would have been obvious to one of ordinary skill in the art to

modify Adolph by providing   the apparatus of Mo with software data having

predetermined information for generating callback function thereby enhancing the

capacity of the apparatus of Adolph in controlling   the processes of the apparatus .

Regarding claim 10, Adolph teaches the process control manager according to claim 9, wherein each local process object further includes a plurality of variables stored at a dedicated location; wherein each local process object corresponds to a file system process; and wherein upon execution of said file system process, said plurality of variables from said corresponding local process object is retrieved from said dedicated location (columns 7,14).

7.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571) 272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HUY NGUYEN
PRIMARY EXAMINER